

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO No.4247 of 2009 (O&M)

Date of decision:16.09.2015

Surender Singh

... Appellant

versus

Surender Singh and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. M.S. Kathuria, Advocate,
for Mr. Rakesh Nehra, Advocate,
for the appellant.

None for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. The compensation assessed by the Tribunal under Section 163-A of Motor Vehicles Act at ₹1,80,000/- is a subject of challenge before this court. The Tribunal has awarded the entire medical expenses of about ₹1,33,000/- and has awarded for disability an amount of about ₹45,000/-. The grievance is that the amount awarded is inadequate. I am afraid that it is not possible to secure anything more than what is contemplated under Schedule-II and if a proper reckoning were to be made, the medical expenses could not have been accommodated for more than ₹15,000/- and the

general damages in case of injuries and disabilities shall be ₹5,000/- at the maximum for grievous injuries and ₹1,000/- at the minimum for non-grievous injuries. The disability that can result in loss of earning capacity may allow for determining of loss of earning capacity in the manner provided under the Workmen Compensation Act but if the amount in excess of ₹15,000/- were to be sliced out and the amount awarded already for disability were also to be pegged down to only ₹5,000/-, the amount awarded in excess could still be seen to be higher than what can be assessed as loss of earning capacity by applying the scales under the Employees Compensation Act of 1923.

2. On an overall consideration, the award determining the amount of ₹ 1,80,000/- would not require any modification and the appeal is dismissed.

(K.KANNAN)
JUDGE

16.09.2015
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